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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/937,659 | 11/06/2001 | Bengt Nilsson | 625-9937 | 5137 |
| 20736 | 7590 | 07/27/2005 | EXAMINER | |
| MANELLI DENISON & SELTER 2000 M STREET NW SUITE 700 WASHINGTON, DC 20036-3307 | | | DUONG, THANH P | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1764 | |

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,659

Applicant(s)

NILSSON, BENGT

Examiner

Tom P. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 11-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilsson (6,062,547) in view of Kohl (4,773,918). Regarding claims 11-16, Nilsson '547 discloses a process for the recovery chemicals and energy the spent liquor obtained in the chemical pulping process (Col. 7, lines 56-60) comprising: gasifying the spent liquor (Col. 5, lines 5-7) under sub-stoichiometric conditions (Equations 1-6, Col. 3 and Col. 4) produce partly at least one phase of solid and/or fused material (Col. 6, lines 24-25) and partly at least one phase of a flammable gaseous material (Col. 5, lines 28-29); and separating the phases of solid and/or fused material (compound separated structure 2) from the phase of flammable gaseous material such that the solid and/or fused material is dissolved and collected as product liquid in a product liquid receiver (14); one or more cooling aqueous cooling media are contacted with combustion gas (Col. 5, lines 35-38), which cooling medium is at least partially vaporized or cracked to increase the calorific value of the flammable gaseous material and cooling medium is recovered in the chemical pulping process or in a process of chemicals and energy from the spent liquor

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(Col. 3, lines 38-45). Nilsson '547 fails to disclose the cooling medium (9) consists of an essentially water-free cooling medium. Kohl '918 teaches the essentially water-free cooling medium or gaseous fuels (oil, petroleum coke, natural gas, volatile hydrocarbons can be added directly to the product gas to raise its heating value (Col. 7, lines 48-55). Thus, it would have been obvious in view of PCT '384 to one having ordinary skill in the art to modify the gasification process of Nilsson '547 with the cooling medium as taught by Kohl '918 in order to increase the heating value of the product gas (flammable gaseous material). Note, the properties of gaseous fuels of Kohl '918 have a much lower temperature than the product gas (flammable gas material); thus, the gaseous fuels act as a cooling medium, which inherently cool the product gas.

Regarding claim 17, Nilsson '547 discloses the contact between the flammable gaseous material and the product liquid is avoided (Col. 5, lines 35-36). Regarding claims 18 and 19, Nilsson '547 discloses the cooling medium (via nozzle 7) is sprayed into the mixture of solid and/or fused material and flammable gaseous material produced the gasification (Fig. 1), preferably connection the separation of these two phases (Col. 6, lines 24-41) from each other. Regarding claim 20, Nilsson discloses the cooling is carried out a first stage (down-coming tube 2) in connection with the separation the material phases (solidified particles 5 and combustion gas) produced by gasification from each other, where after further cooling carried out in a second stage (cooling in second internal vessel 12, Col. 6, lines 61-67) with a second cooling medium consists essentially of water (Col. 7, lines 45-46). Regarding claim 21, Nilsson '547 discloses the separation in the separation forms a part of the total reaction vessel an essentially

even temperature maintained, which temperature corresponds the gasification temperature (Col. 8, lines 1-15). Regarding claim 22, Nilsson '547 fails to disclose an inert gas is added above the product liquid receiver surface to form a protective blanket over the product liquid receiver to prevent carbonation boiling and splashing green liquor from the product liquid receiver. Kohl discloses the benefits of blowing the inert gas down the fuel bed to minimize entrainment of the solids in the gases rising from the fuel bed to create a distinct line of separation between zones (Col. 2, lines 5-9). Thus, it would have been obvious in view of the Kohl to one having ordinary skill in the art to modify the gasification process of the applied references with the inert gas in the fuel bed as taught by Kohl in order to gain the above benefits. Regarding claims 23 and 24, it is best understood by examiner (in view of Applicant's specification on page 5, lines 22-28) that Nilsson '547 discloses the aqueous water bath 11 in the second internal vessel 12 adjacent to the receiver liquor 14, and this aqueous water bath cools the solidified particles 5 prior to falling into the product receiving liquor 14 in the vessel 3.

Response to Arguments

Applicant's arguments filed 4/13/05 have been fully considered but they are not persuasive. In response to Applicant's argument with respect to Kohl reference teaches combustible gas is cooled as it passes through the drying zone, which uses cooling water. Examiner respectfully disagrees. Kohl clearly teaches the use of water free cooling medium to increase the heating value or calorific value of the product gas in the gasification zone. Note, claim 11 merely recites the addition of water free-cooling

medium to the gas product to increase the calorific value. Claim 11 does not recite adding the water-free cooling medium after the product gas exiting the gasifier. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). With respect to the argument that "the essentially-water free cooling medium of the present invention is added to the hot gas stream after it has left the burner to cool the exiting hot gas stream", Examiner respectfully disagrees. It is noted that such features upon which applicant are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P. Duong whose telephone number is (571) 272-2794. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tom Duong
July 15, 2005
TD 


Glenn Caldarola
Supervisory Patent Examiner
Technology Center 1700